Title: Combined discussion on Disapproval of Indian Council of World Affairs Ordinance, 2000 and Indian Council of World Affairs Bill, 2000. (Resolution Negatived and Bill passed.)

MR. CHAIRMAN: The House shall now take up Item Nos 26 and 27 together.

SHRI VARKALA RADHAKRISHNAN (CHIRAYINKIL): Sir, I beg to move:"That this House disapproves of the Indian Council of World Affairs Ordinance, 2000 (No.3 of 2000) promulgated by the President on 1st September, 2000"Sir, this Ordinance is quite unwarranted and unjustified. Everybody knows that there would be Winter Session of Parliament. Now, the Ordinance was issued in September. I want to ask what was the necessity of issuing an Ordinance. The Indian Council of World Affairs was in chaos and was having irregularities from 1981 onwards. It was established in 1943 and was worsening since then. The reports allege that irregularities were noticed in 1981. Afterwards, 19 years have passed but no attempt has been made to bring in a legislation to make things correct. There was ample time for the Executive to bring in legislation. What was the necessity of bringing an Ordinance? What was the urgency? They could have brought a normal Bill before the House and this could have been discussed properly. Now, at the fag end of the day, we are discussing a very important Bill. The House is deprived of an opportunity of having proper discussion. Members are not given a judicious mind with regard to the Bill which is before the House.Sir, more so, the Members on the Ruling side are also committed. They cannot make any amendment beyond the Ordinance that is being replaced by a statute. An Ordinance is always a committed legislation. The role of the House is only to put a rubber stamp. Would it be justified that an institution is being established and that too by an Ordinance? Moreover, this was functioning under the Registration Act. This Council was registered as early as 1943 under the Central Cooperative Registration Act. It was functioning as an autonomous body. There were elections and there was some autonomy to that extent. This has become an international institution and it has earned international reputation. It is managing an internationally reputed library. Moreover, men of international eminence are given audience by this Council of World Affairs. It was more or less a forum for explaining India's foreign policy and India's part in world affairs. So, it was doing a very good service. This institution is functioning with an autonomous nature. Now, this Government thought it fit to *saffronize* it. That is why, they have promulgated this Ordinance. What is the gist of the Ordinance? The President, the executive members, and the governing body members, all are nominated by the Central Government. Now, parties may come and parties may go. The Government of India will be controlled by the democratic parties. This time a *saffron* party is in power, and next time some other party will be in power. But this is an autonomous and internationally reputed institution. So, politics should not come in the way. Now, there is a very serious effort to bring in persons of the ruling alliance and RSS into the institution. Now, this is the order of the day. I would refer to some other examples. This BJP Government is systematically *saffronizing* the institutions like Indian Council of Scientific Research by putting RSS men.They have the Indian Council of Historical Research filled up with RSS people. They are even contemplating to change the course of Indian history. The men who had participated in the national freedom movement are being disfigured. They even questioned the credibility of the proven Indian history. That is the present stage by changing people of this Indian Council of Historical Research. My dear friend whom I respect very much, Dr. Murli Manohar Joshi, is behind it. This is being done as a concerted move throughout India. Now another institution, the Indian Council of Archaeological Societies of India is also being made a tool in the hands of the ruling party. This is the fourth attempt to saffronise the Indian Council of World Affairs which was doing a yeoman""s service. It was an institution with people from reputed services, an institution which is beyond politics, and filled with men of eminence throughout the world. They were the people who were controlling it; they were the people who were speaking on behalf of this Council. Foreign policies were being discussed here. It was a forum for discussing India""s policy decisions. It was purely an academic institution. But, now they are trying to make it a tool in the hands of the ruling party. Ruling parties come and go. You will also feel the very same difficulty next time when you are out of power, when Congress people or some other people get filled into this institution. So, it is always dangerous to bring in people like this in an internationally-reputed institution. People with political affiliations and people with political thinking are becoming the backbone of this institution. This is one of the ways, my dear friends you must realise, of indirectly implementing the hidden agenda. This is not the policy of the NDA. This is a part of the hidden agenda for capturing the Indian Council of World Affairs. To strengthen my argument I would like to go through one or two Sections. I shall refer to these Sections which will make my point more clear. The office bearers of the Council shall consist of the following members. The Union Minister of External Affairs shall be the Chairman. Then the Vice-President shall be elected from among the Council. Who are the members of the Council? Four Members to be nominated by the Central Government among experts in history, economics, political science and social studies. Two Members are nominated by the Central Government from among the Vice Chancellors of universities. Four Members are to be nominated by the Council. So, it is filled with people who are backing the Government. I simply put a question, whether it would function as an independent body. What was the necessity of bringing an Ordinance for this purpose? Could they not wait for some more time to have a full-fledged discussion in the House and decide the modalities? Without doing that, in their anxiety to bring in RSS people into the Indian Council of World Affairs, they have issued an Ordinance by-passing the legislative powers of this august House. It is unheard of, and this cannot be justified. Therefore, I have to oppose it tooth and nail on democratic principles. If at all there is any irregularity in the Council, it could have been rectified. Moreover, we must realise that it was

functioning under the Indian Cooperative Societies Act wherein there was some autonomy. By the present statute the entire autonomous powers of the body are taken away. A new Council is formed under this statute and this is a part of the overall attempt to saffronise even the Indian Council of World Affairs which was a reputed platform for internationally reputed persons to express their ideas regarding the Indian policy decisions.**20.00 hrs.**As you know better than me, the framers of the Constitution never contemplated such a procedure. If at all there is any real urgency, there must be an ordinance. But what was the urgency of bringing in this ordinance except the fact that they wanted to bring in RSS people into the Council? By not bypassing the House, they could have done it. It was not an urgency. No emergency situation had arisen. ...(*Interruptions*) They could have very well brought out a normal Bill. We could have discussed it. But that was not done. So, once again, I vehemently oppose the present attempt of the Government to bring in an ordinance.

MR. CHAIRMAN : The Minister may move the Bill for consideration and make a speech, if he wants.

THE MINISTER OF STATE IN THE MINISTRY OF EXTERNAL AFFAIRS (SHRI AJIT KUMAR PANJA): I beg to move:"That the Bill to declare the Indian Council of World Affairs to be an institution of national importance and to provide for its incorporation and matters connected therewith, be taken into consideration."

MR. CHAIRMAN : Motions moved:"That this House disapproves of the Indian Council of World Affairs Ordinance, 2000 (No. 3 of 2000) promulgated by the President on 1st September, 2000.""That the Bill to declare the Indian Council of World Affairs to be an institution of national importance and to provide for its incorporation and matters connected therewith, be taken into consideration."

SHRI R.L. BHATIA (AMRITSAR): Sir, I rise to oppose this Bill. The Indian Council of World Affairs was created by great men like Pandit Jawarharlal Nehru, Dr. Zakir Hussain who became the President of India, Dr. Radhakrishnan who became the President of India and Prof. Hridayanath Kunzroo who are all famous people of India. This was an organisation which was created for the study of foreign affairs and research of international affairs, to apprise the people, to educate the people about foreign policy and foreign affairs of the Government of India. This institution is a very famous one. They have been publishing books. They were having seminars, discussions and workshops to educate the people of India. This was the lofty ideal for creating this institution. The objectives are to augment knowledge and awareness in international affairs and provide them to the people. It gave opportunities to the analysts, experts on foreign affairs, journalists and researchers to get into it and write books and papers. But the Government has decided to take it over. I agree with what Shri Radhakrishnan has told. What was the necessity to issue an ordinance? This institution was created long ago. Land was purchased by this Council. They paid the money to the Government. This Council was built in 1956 and in 1976, a huge library of this Council was taken over by the Government of India and handed over to the Jawarharlal Nehru University. About 60,000 books of this institution were taken to the JNU. And when the Council demanded compensation for this, the Government of India decided to pay them. Shri Chagla was the Union Education Minister at that time. They gave them Rs.2 lakhs every year and later on, a Committee was set up which decided that three institutions should feed this important Council. They are the ICCR, the Department of Culture, and the Indian Council of World Affairs. But that continued for some years. Later on, again, the ICCR said that it did not want to feed this Council and hence the crisis arose. In 1990, Mr. Minister, your Ministry, the Ministry of External Affairs, wanted to take over this institution. I do not know what was the reason. But they tried to take over the institution. The Council went to the court. The High Court gave the judgement against the Government. The Council was restored the position of a Council again. The Council went on very well. But I do not know why all the time the Ministry of External Affairs was trying to get hold of this Institute. Mr. Minister, you have so many institutions. You have created analysis and studies, the Pacific Studies and the Asian Studies. The MEA is feeding so many Councils. They are giving you reports and doing good job. I must say that. But why have you got a particular eye on this institution? Right from 1990, you are trying to take over this institute. Sir, what happens is very strange. The President of this Institution, Mr. Josh, was approached to have two RSS people in the body. He said that it is an autonomous body; membership is open to everybody and let them become Members; let them fight out the elections; hold the office and they have no objection. But his plea was put down....(*Interruptions*) All of a sudden, some Estate Officer gave them a notice saying that the place is being misused. What has the Government to do with the private body? What is the misuse that this body was doing? I fail to understand it. This is a lame excuse. You wanted to take over and said that there is a misuse of the place. The Council went to the court and got a Stay Order. But the Government did not bother about it. In spite of the Stay Order, the Government brought forward an Ordinance when Parliament is on. Shri Radhakrishnan is absolutely right in saying that when Parliament is on, how come the Government has brought forward the Ordinance? What is the hurry in it? That creates some doubt in our minds that the Government has some ulterior motives and some designs to, somehow or the other, occupy this place. Then, the Council again went to the High Court. The case is in the court. That being so, Mr. Minister, you have brought forward this Bill. What is the hurry in it? You do not want to wait for the verdict of the court. You want to take it over. All these things create problems for us. I do not know what is in the mind of the Government. I definitely support Shri Radhakrishnan when he said that that the Government is taking over so many institutions like the ICCR and other ones and trying to capture all these bodies.

It is not only that. I have a piece of personal information. All the Trusts and *Mandirs* are being taken over by hook or by crook. In my own town of Amritsar, there is a great temple called the Durgyana Temple. That has been forcibly taken over with the help of the police. The body has been disbanded and it has been taken over by the BJP people. Is this the way that the Government is to function? I am sorry to say this. Mr. Foreign Minister, you are not a part of their ideology. I know you are a very nationalist person. I know you for a long time in Parliament. We have been together. But you have been forced to bring forward this Bill. In spite of the fact that the case is in the court and in spite of the fact that Parliament is on, you have brought forward this Ordinance. What is the hurry in it? I want to know from the Government what is its objective. What is the intention behind it? What will it gain by taking over a private institution which is an autonomous body, an elected body having elected people? You have not bothered to know one thing. Even the Deputy Speaker is the Vice-President of that organisation. That you do not know. I think, your people have not told you. There was a recent election and Shri P.M. Sayeed was elected as the Vice-President of the organisation. Is it the policy of this Government? Though she is the Congress President and the Vice-President is also a Congressman, you want to take over and hand it over to RSS people. That is your objective. That is why you were in a hurry to bring in an Ordinance. You do not know as to whether the Parliament is in Session or not. Yet, you want to do this. You are not paying anything to this institution. For a long, the MEA is not supporting it. They are collecting the donations and running this institution and doing a good job. They have organised many seminars. I have attended and addressed three or four seminars. Foreigners have attended it; so many ambassadors have been addressing these seminars. This institution has started giving Indira Gandhi International Awards for Justice. Do you know who are the awardees? Nelson Mandela and Yaseer Arafat. This institution is doing such a good job and you want to finish it just to accommodate some people. So, I say, the Government's objective is malicious. I hope that the Government would withdraw this Bill for the fair name of this NDA, in which you are a member. It is absolutely wrong to bring an Ordinance while the Parliament is on. Therefore, I strongly object to this Bill. Better you withdraw this Bill to save the name of NDA, of which you are a Member. Do not bother about the RSS and the BJP.

SHRI PRIYA RANJAN DASMUNSI (RAIGANJ): Sir, on the very first day of the introduction of this Bill, I opposed it. Today, with all emphasis at my command, I would like to oppose this draconian legislation. It is against the spirit of the Indian Constitution and its Fundamental Right guaranteed under article 19(1). You may carry it in this House as you like because you have the majority but the fate will lie in the other House, where I can say, on behalf of my party, very categorically that we are opposing it and this legislation will not be passed. We have taken a very firm decision this morning to the effect that our cooperation to the Government does not mean anything that you desire, we have to accept.First of all, there was no urgency to bring this Ordinance. If the Minister of External Affairs is so keen to take interest in the institution - they have no financial commitment - he should have entered into a dialogue. If the Ministry have bigger desire to have another institution, they could float a new institution. In the name of according a status of an institution of national importance, if you try to grab any institution under the Societies of Registration Act, an institution which enjoys its prerogative, powers and privileges under article 19(1) to form association and trade union, and if that is the attitude of this Government, I must say that the evil design of the Government to saffronise institutions one after another like this, shall not be permitted and shall be throttled, if not in this House, in the other House. They have to face the music. This is terrible. When they have to face music, they take the shelter under the umbrella that *sub-judice* matters cannot be discussed in the House. Right from the Law Minister, everybody says that we cannot discuss the subjects here which are *sub judice.* The hon. Minister is an eminent member of the Bar of the Supreme Court and Calcutta High Court. I always salute him for his knowledge of law and the Constitution. Sir, when Shri Rajiv Gandhi was out of power, the Government headed by Shri V.P. Singh wanted to interfere under the plea that the then External Affairs Minister, Shri I.K. Gujral was considering to give a grant of Rs. One lakh to this institution. They brought an ordinance. But what was the fate of that ordinance? It was declared *ultra vires* by the Punjab and Haryana High Court. The Government went in appeal against it to the Division Bench and the Division Bench dismissed the appeal. Thereafter, the Government did not approach the Supreme Court, because they came to know that they had done the wrong thing. Then, a Writ Petition CMP No.1182/99 is still pending before the Delhi High Court since January, 1999 and a hearing was listed for today, in which the Union of India is also a party. There is a case against the Union of India pending in the Division Bench of the Delhi High Court since December, 1999. In this case, the Soicitor-General, Shri Harish Salve has appeared and the next date of hearing is 12.1.2001. The court has stayed the proceedings against the Government of India in the case of eviction of ICWA, Sapru House. There is another Writ Petition challenging the ordinance of the Government of India which is pending before the Division Bench of the Delhi High Court and the next date of hearing in that case is fixed for 12.1.2001. Then, there is another Writ Petition pending in the Chandigarh High Court challenging the ordinance which has been admitted by the High Court and later on stayed by the hon. Supreme Court; further hearing in this case was held on 11.12.2000 and transferred the case to Delhi High Court. There is a contempt application lying before Delhi High Court and a notice was issued in this case on 24th May, 2000 to Shri Jag Mohan and others. Then, there is another contempt application pending against Shri Jag Mohan and others for occupation of Sapru House and in this case also a notice was issued to Shri Jag Mohan and others on 7th September, 2000. The hearing in both the cases has been fixed for today and till now I do not know the result of the hearing.

This is the situation in the matter as on today. The matter is under the scrutiny of the Judiciary. But the Government thought that the Heavens would fall if they do not take over this institution forcibly and do whatever they like to. Is it the way to function? There is a provision under article 19(4) of the Constitution whereby they can interfere, provided the sovereignty and integrity of the country are questioned. This is the power that the Government enjoys. If they have a reasonable apprehension that the sovereignty and integrity of the country are questioned in any institution, then they can very well interefere under article 19(4) of the Constitution. In an institution of this kind where seminars and symposiums are held to highlight India's aspirations in the light of our foreign policy, be it in favour of Palestine, be it in favour of South Africa, be it in favour of Arabs, be it in favour of Angola, be it in favour of Mozambique, be it in favour of Vietnam, be it in favour of the larger context of world peace, does the Government feel any threat to the country's sovereignty and integrity? Sir, the Punjab High Court, when it gave the judgement, had categorically stated that Parliament has no legislative competence and when the Government went in for an appeal against that judgement, it was dismissed. At that time, the Punjab High Court took the plea that under article 19(1) of the Constitution, every member has a right to form an association. It can be an association in the name of late Shri C.N. Annadurai or in the name of Sardar Vallabhai Patel or it can be an association among a few intellectuals coming together to study certain things. How can the Governmetnt interfere with it? How can they grab it?Today, the party in power felt that Sapru House has been led by whom? It was the contribution of Pandit Jawaharlal Nehru whose concept about politics, international relations and foreign understanding could not be questioned by the present Prime Minister of India though an attempt has been made by RSS to make some aberrations between Palestine-Israel issue. It was led by whom? There were great stalwarts, like Pandit Hariday Nath Kunzru, Dr. Zakir Hussain, Dr. Sarvapalli Radhakrishnan but you want to take over that institution by whims. The Association has a right to elect its officials. It is the General Body of that Association which has a right to question the *bonafides* of an individual or an official and not this Parliament. Yes, if the Budgetary support is granted to any quarter, the Parliament has a right to scrutiny even through the Comptroller and Audit General of India and not beyond that. They have started hitting one institution after another because their party, BJP, is in power and it does not want that there should be any shadow anywhere which is not inclined to 'saffron' − the RSS and the VHP. We would not support this method. We would oppose it. If you feel that there is mismanagement, bring forward that issue. You could ask the Registrar of Societies of the concerned State. It is always a matter of Centre−State relations. They could have asked the State Government of Delhi that they have received complaints from the public and something is going wrong in that Association. The Registrar of Societies has every power and right to inquire into the documents under the Societies' Registration Act but not the Minister of External Affairs, Shri Jaswant Singh nor the Minister of Urban Development, Shri Jagmohan. What does Shri Jagmohan feel? Is he a ruler of Delhi? Does he feel that he can do anything he likes under the sun and this Parliament would be a mute witness to this draconian attempt? It cannot be so. We oppose this legislation lock, stock and barrel because it lacks parliamentary legislative competence. It lacks vision. It lacks a better understanding for the future. It is a deliberate attempt to encroach upon the rights of an Association under article 19(1). If you try to carry it forward by a voice vote, be happy. But it would be stopped in the Rajya Sabha. Not only our Party but the entire Opposition has also taken a decision. If you do not stop it now, many more institutions will be taken over by this Government to supplement their hidden agenda outside the House at the dictates of the RSS. Therefore, I strongly oppose it. I appeal to the hon. Minister, who hailed from the legacy of Pandit Jawaharlal Nehru, who understands the contribution of the former stalwarts, who is very intimate to understand the meticulous provisions of the Registration of Societies Act and article 19(1), not to insist on getting it passed and very humbly withdraw it and reconsider the matter later on.

MR. CHAIRMAN : Now, the hon. Minister will speak.

SHRI KHARABELA SWAIN (BALASORE): Sir, there are many things which the Hon. Minister will not be able to say but I will be able to say. Kindly allow me.

MR. CHAIRMAN: Take two minutes.

SHRI KHARABELA SWAIN : I will complete it.
Shri P.R. Dasmunsi is a very intelligent speaker. He said that the institution belonged to Pandit Jawaharlal Nehru, Sir, Tej Bahadur Sapru...

SHRI PRIYA RANJAN DASMUNSI (RAIGANJ): Sir, I did not say that. ...(*Interruptions*)

SHRI KHARABELA SWAIN : Pandit Hirday Nath Kunzru, Sardar Swaran Singh....(*Interruptions*)

SHRI PRIYA RANJAN DASMUNSI : First, let me correct him.

MR. CHAIRMAN: He has not said like that. ...(*Interruptions*)

SHRI KHARABELA SWAIN : For the last 20 years, who was the President of this organisation till this date? He was Shri Harcharan Singh Josh, a Councillor belonging to the Congress Party and a non-entity. Nobody knew him. It

was a great seat of learning. Now, you go through all the newspapers. You will find that he was giving Sapru Hosue on hire for marriage ceremonies. This was the main reason for which the Government has been compelled to take it over. Do you mean to say that anybody could do anything? When the Congress Party was in power, they did the same thing. There was a great seat of learning to which the Government had given 16 acres of prime land. What did the Congress Party do? They made Shrimati Sonia Gandhi President of that organisation for life. ...(*Interruptions*) What did the Government do today? You know they are imposing this sort of intellectuals upon this country.I do not want to say any other thing, the hon. Minister would reply to it, but this is the only reason for which the Congress has been shown its door and the people of this country and the Government of this country are going to really bring its pristine glory and the right people will be installed there.

SHRI PRIYA RANJAN DASMUNSI : Sir, I would like to inform once again that on 30th November 1999, Shri Manmohan Singh, Under Secretary, Ministry of External Affairs, after receiving a complaint from the employees of the ICW with regard to their salaries and all that, wrote: "Please refer to your letter dated 22nd November addressed to the hon. Minister of External Affairs regarding the grievances, etcâ€¦ You are aware, the matter is *sub judice* and therefore, MEA is not in a position for the time being to take any action in this regard, but the Government is in a position to grab it."

SHRI KHARABELA SWAIN : And they found financial irregularities there.

THE MINISTER OF STATE IN THE MINISTRY OF EXTERNAL AFFAIRS (SHRI AJIT KUMAR PANJA): Sir, I have heard the hon. Members with rapt attention. The history is known and the agreement in this House is that this is an institute of national repute. This has a long history since 1943, before Independence, hallowed with the memories of Dr. Radhakrishnan, Dr. Rajendra Prasad, Pandit Jawahar Lal Nehru, Tej Bahadur Sapru, under whom the name is made 'Sapru House'. This has a long history of association of very famous people of our country. When this is the agreement, then this institute of national importance shall have to be saved. It is not what Shri Radhakrishnan, the hon'ble MP stated that no application of mind was there. Sir, the attempt was made in 1990 to put it in order after giving various warnings that it is not being managed properly; that the money and funds were being misappropriated.

SHRI PRIYA RANJAN DASMUNSI : Whose money or fund? Is it the money sanctioned by the Parliament?

SHRI AJIT KUMAR PANJA: The sapru House was used for various purposes not commensurate with the object of this national institute. This is being used for various other purposes, which are not given as the purpose for carrying out the objects of this institute. Thereafter, it was found that salaries of the employees not being paid. There is a very important library, which was mentioned by one of the hon. Members. The books not being inventerised for long ten years and books of national importance are reported to be lost with no FIR to the police. This library is world famous, where research work goes on. Looking into this, in 1985-86, although the Government used to give grants, the grant was stopped because public fund was being misused. No audit, whatsoever, of this institute was done for the last ten years. Therefore, it became necessary to issue an Ordinance and in 1990 that Ordinance was passed. Immediately, the court was approached by the last President. I know Shri Dasmunsi is quite intelligent, but probably factual input was not given to him. After the High Court of Punjab & Haryana passed an order, an appeal was preferred. It is not correct that appeal was dismissed. The order of the court of appeal was, "no obstacle for the consideration of the Bill in the Lok Sabha."" The Bill so listed for consideration in the Lok Sabha on 5th October 1990 could not be taken up, because this Lok Sabha was dissolved. Therefore, as it stood at that time, in Rajya Sabha it was considered and passed . But I am very sorry to find that Shri Dasmunsi, being a Member of the Lok Sabha, threatens the entire Lok Sabha that "if you pass it here, I will defeat you in Rajya Sabha."I have not heard this in the 45 years of my political career.

SHRI PRIYA RANJAN DASMUNSI : I was saying it of the Government, not the Lok Sabha. Your Treasury Bench, the Government is making draconian laws. We are asking that Government and not the Lok Sabha. You must realise that. Do not try to put jugglery of words. I was not talking of Lok Sabha but of the Government.

SHRI AJIT KUMAR PANJA: I never put jugglery of words. You will find from the record. "This Lok Sabha can pass this Bill. I will see Rajya Sabha does not pass this". What is all this?

SHRI PRIYA RANJAN DASMUNSI : I said, this House, in which you have a majority, can pass this Bill. Your Government can pass it but we will stop it there. I said that.SHRI AJIT KUMAR PANJA: I am not yielding. Three times repetition does not make something true. I can tell you that we are representatives of the people directly elected by the people. What is this threat? 'If Lok Sabha passes this Bill, we shall stop it there'. This very Rajya Sabha passed the other Bill. The entire Bill was passed without any amendment on 5th of September, 1990. He does not know. Just because the Lok Sabha was dissolved, then it became something which could not be made operative in Lok Sabha. We have to bring in a new Bill taking into consideration only two sections and the long

tenures lapsed in the meantime to make it up-to-date. Therefore, I am sure the Members of Rajya Sabha will understand despite all the arguments being made by Shri Priya Ranjan Dasmunsi, and threatening that it will be annihilated when it goes to Rajya Sabha. We shall see it there.After that, the case came up again on 1st September. Why did we come in? The question was very rightly placed by all the senior Members of this House. Why do we need an Ordinance? I also feel that why an Ordinance should come. There must be functioning of Parliament to bring a Bill. On 1st September, there was no House at that time. Ordinance has to be passed. Why? There are cogent reasons for passing the Ordinance. The entire international prestige of this Institute was at stake. Article 19 does not give power that anybody can form an Association and damage the entire country's image by giving an Institute of world repute for performing a marriage celeberation of firebnds relative. That does not save the image. All the fundamental rights are always circumscribed by reasonable restrictions. The reasonable restriction is always there. We are free not to disturb the freedom of others. We are free to talk but not to defame others. We are free to do something which we feel very right as an Indian citizen but not at the cost of the country's image, country's sovereignty and country's integrity. Freedom does not mean that the library books will go somewhere else? Does it mean that no accounts would be kept? Does it mean that the employees will not be paid? Why? The main thing is this very Committee declared that the election will be held on 5th of September 2000. Now, we thought that there would be an election. The House will be surprised to know that the result was declared on 12th of August making their own men at places. The election was to be held on 5th of September but the result was declared in August. Kindly see, Sir. When we got the papers after taking possession, we found out that this is what has happened. In advance of one month before the poll, the results were declared. Who were elected? The same person was elected a President for 20 years. Under the circumstances, can we not save the prestige of this Institute? Persistent complaint had been received from the staff for their pay. No payment was regularly made in spite of our telling them that you please see that it goes on properly and well, because if the staff members were not paid, symposium was not being held. The houses were not being made ready. Not a single toilet was operating. Electricity was in such a bad condition that any day a fire would take place. The whole building was not repaired for 20 years although money was taken for repairs. The accounts show that staff salary has been paid so much. It was found that some were all ghost staff, no salaries were disbursed because no staff members were present. Is this the nature to function? The very structure was crumbling down, the entire I.C.W.A. had become a bubble and in that respect, this Ordinance had to be issued. The Auditorium and the stages used for holding of dramas had to be maintained commensurate to the ideas and the philosophy of India, our Mother India. There was a continuous neglect of the extremely valuable library property and the books. We had to bring in one of the very good experts from the National Library to make a total inventory of all the books lying there. The main book, *The Asian Relations Conference, I947"* which will be found nowhere in the world was preserved there; but it was reported lost. No FIR was lodged and nothing happened. These books will not be available any more. Reports were coming that it was sold to a purchaser of old papers as waste and that account also is not there. This, as you know, is one of the most important documents − we only preserve -- which are preserved in the Sapru House only. Under these circumstances this Ordinance had to be brought in. As regards the points that have been raised by Shri Varkala Radhakrishnan, that there was no necessity for the promulgation of the Ordinance, I would say there was ample necessity for an Ordinance. The word used by the hon'ble MP was `heinous effort.' This is not so. It has also been stated by Shri Priya Ranjan Dasmunsi and also by our senior member Shri R.L. Bhatia that they knew that I was not with the philosophy of the present Government and, therefore, they need justice. They said that I know law, and, therefore, I must do justice. Having confirmed that this Government, under our able Prime Minister, is taking out steps towards secularism, I was fully convinced that this Bill was necessary for the purpose of achieving its objective. I have practised law, I did not want to say it myself. In law, every section I have examined and I found that this is justified under our Constitution and necessary in order to make it a real Act of the House. An institute of national importance which comes under the Societies' Registration Act, Shri Priya Ranjan Dasmunsi asked me why do we not leave it and make a complaint under the Societies Registration Act. With my long experience I have seen that when a complaint is made, what happens to such a complaint. It has come out from the mere question of a 'society'. It has transformed itself, with the blessings of the founders and the great men I named, as an institute of a national importance. With the passing of this Bill in this House, I will feel glad that such an institute will be recognised by the highest body in India as an 'institute of national importance'. This is the leadership of our hon. Prime Minister. Therefore, there is no question of any politics. One or two persons have been brought or somebody had become the Chairman. I am not concerned with it. The point is, it has to be done in a methodical manner. It is stated that it was an autonomous body and, therefore, we should do not touch it. Ordinarily, we do not touch it, unless we find that the action is such that the entire control will have to remain with Parliament with day to day autonomous function with the Committee. Section I9 is about the powers of the President, controlled under the rules. What rule it is, it has to be laid before Parliament of both Houses, passed and then made effective. Powers of the Vice-President come under the Rules governed by Section I0.Section I2 is about the first meeting that it should be under the rules and regulations adopted by Parliament and passed by Parliament. The Governing Body is a functioning body. I can understand that the President and the Vice-President may not be there every time. The Governing Body must function under the Regulations, Section I4 Sub-Clauses (I) to (6). The Executive Committee must function under the regulation adopted and passed by both Houses of Parliament. The DG -- the Director General -- will be an active person, also

functioning as the Secretary. He will also have to function under the regulation specifically made − Shri Priya Ranjan Dasmunsi may check up − Section l5, sub-section (3), Section l5, Sub-section (5).Then, Sir, kindly see the details from the President up to the Council. Section 17 says that Parliament is to appropriate funds. Therefore, this institute will never suffer for want of funds so long as great men donate. Of course, great men donated and it was functioning, but these days, certain institutions cannot depend all the time on donations and, therefore, certainty of the funds must be ensured. There are people who come forward but the Government is to make the funds available through appropriation by this House. That means, the budget must be passed under the rules. If you see Section 19, there will be no problem so far as accounting is concerned. The accounts must be examined by the Comptroller and Auditor General. The Annual Report and the Report of the Comptroller and Auditor General have to be placed in the House for the purpose of examination. The Annual Report under Section 29 has to be passed in the Parliament every year....(*Interruptions*)

SHRI VARKALA RADHAKRISHNAN (CHIRAYINKIL): These are the provisions which are there in every statute.

MR. CHAIRMAN : Shri Radhakrishnan, you can speak when you get your chance, not now.

SHRI AJIT KUMAR PANJA: Then, Sir, rules 26 and 27 talk about changes in the regulations. Any change in any rule shall have to be approved by the Parliament and any change in the regulations shall have to be appreved. Shri Radhakrishnan says that these provisions are there in every statute. If that is so, then this is an innocuous statute and, therefore, there should be no objection to passing it. So far as the allegations or 'saffronising' the entire thing is concerned, I think that word is probably being used without understanding it in a colourful manner because saffron is a splendid colour. There is no question of 'saffronising' it. I have convinced myself that saffron, white and green are there and that is why I am taking the responsibility of meeting every point. It becomes the property of the Parliament, whoever may be in power. Today we are here, tomorrow they might be here. Parliament is the supreme authority taking charge of this national institute. Shri Radhakrishnan has also talked about 'hidden agenda'. Anything good being done by the Government is always termed as hidden agenda. We are nothing our sleeves and there is no hidden agenda. If there was any hidden agenda, it would not have been placed here for debating. We would have said that the Ordinance was passed and we would make the Ordinance in such a manner that six months' time would have made it over. But we did not do so. We have come before the House at the earliest possible opportunity. Again, Shri Bhatia talked about appeal in the High Court. Shri Dasmunsi also said that the Stay is granted. No. The entire matter has been transferred to the Supreme Court by a transfer application. Stay has been repeatedly asked for but the same has not been granted. The present President asked for four weeks' time to file the written statement. We have also asked for four weeks' time for reply. The Supreme Court will fix up the date whenever it finds convenient. I do not want to comment on who have been elected there because election was done one month before the date of poll and the results were declared. Your long experience will show what are the things to be done. The name of Pandit Jawaharlal Nehru has been taken and I also take the same name. He was a great man. I found from his personal account in those days that he contributed a sum of Rs.500 to this institute. Dr. Rajendra Prasad also, I found, had contributed a sum of Rs.1,000 during that period, that is, 1943-49. Therefore, under these circumstances, each of the things has been considered. This is a fit case in this century to take a bold step to preserve this institute so that in the first year of this century, people and the generations will know that we have at least attempted to do something for them in preserving this institution of national importance.

SHRI VARKALA RADHAKRISHNAN : Mr. Chairman, Sir, the hon. Minister is now referring to certain provisions of the Bill. Those are the provisions which are available in almost all the statutes. Every rule framed under a statute will have to be placed before the House and the House will have to discuss and approve it. That is the usual procedure. Then, such a provision will not take away the basic nature of the statute. Here, the simple basic question is this : Almost all the members of the governing body are nominated. There is no provision for election. All are nominated and it is *prima facie* clear that the body will be a Government-controlled body. The autonomy of the institution is fully taken away. Merely by placing the rules before the House will not give the ordinance the power of autonomy. Autonomy is a provision which is inherent in the statute. That provision is basically absent in this statute. That is my argument. What was the necessity of filling up all these posts by nomination?MR. CHAIRMAN : Shri Radhakrishnan, you have already said it.SHRI VARKALA RADHAKRISHNAN : Sir, that is why I doubt the sincerity of the Government in bringing such a legislation in such a haste. Moreover, I strongly oppose it on democratic principles. There was no need. The hon. Minister has not convinced me about the urgency. There was no urgency at all. After all, if there is any misappropriation or any other such thing, we feel that action should be taken and why should there be an ordinance. Suppose, there is some default or breach of trust or some defalcation of money − all those things can be there. That could be prevented by the common law of the land. For that purpose, should we go in for an ordinance? There is no justification for the urgency. So, I strongly oppose the ordinance and I again strongly stick on to my Resolution.

SHRI PRIYA RANJAN DASMUNSI : Mr. Chairman, Sir, I do not want to say anything but I want to only convince the hon. Minister, through you, and I feel that a very noble soul is defending a bad case. I feel pity for him. He only said that I was not given enough inputs to understand the inside things. ...(*Interruptions*)

SHRI AJIT KUMAR PANJA: Sir, I am not interested in his 'pity'. I do not know why he should feel pity for me. ...(*Interruptions*)

SHRI PRIYA RANJAN DASMUNSI : Sir, I am talking about the election. Elections are held according to the constitution of the society. The voting of the ICWA has to take place on 5th September, 2000. The hon. Minister is very correct on it. But the nominations of the candidates for the said elections are to be filed by 5th August as per the statute of the society, two months before the date. For the post of its President and eight Vice-Presidents − of which two are the distinguished Members of the House − and one Treasurer and eight Members, the last date for the withdrawal of the nomination was 12th August when the Returning Officer found that the number of candidates and the posts for the elections are the same. As no other contest was there, he declared the result on 12th August as per the election schedule and rules. There was no need for voting as the result has been declared unanimously. In the case of elections to the Lok Sabha also, if the nomination is declared and there is no other candidate, the declaration of the result is done; but the oath-taking takes place only later. Therefore, the hon. Minister is misled by his officials, the bureaucracy of the Ministry not to disclose those things. That is what I want to say.

MR. CHAIRMAN: I shall now put the Statutory Resolution moved by Shri Varkala Radhakrishnan to vote. The question is :"That this House disapproves of the Indian Council of World Affairs Ordinance, 2000 (No. 3 of 2000) promulgated by the President on 1st September, 2000." *The motion was negatived.*

MR. CHAIRMAN: The question is :"That the Bill to declare the Indian Council of World Affairs to be an institution of national importance and to provide for its incorporation and matters connected therewith, be taken into consideration."The motion was adopted.

SHRI PRIYA RANJAN DASMUNSI : Sir, we oppose this anti-democratic legislation and we walk out in protest.

2048 hours
*(At this stage, Shri Priya Ranjan Dasmunsi and some otherhon. Members left the House.)*THE

MINISTER OF PARLIAMENTARY AFFAIRS AND MINISTER OF INFORMATION TECHNOLOGY (SHRI PRAMOD MAHAJAN): Shri Dasmunsi, you have done a hat-trick of walk-outs today. ...(*Interruptions*)

DR. V. SAROJA (RASIPURAM): Sir, in opposition we walk out.2048 hours

(At this stage, Dr. V. Saroja and some otherhon. Members left the House.)

MR. CHAIRMAN: The House will now take up clause-by-clause consideration of the Bill.

MR. CHAIRMAN: The question is : "That clauses 2 to 30 stand part of the Bill".

The motion was adopted.Clauses 2 to 30 were added to the Bill.Clause 1, the Enacting Formula and the Long Title were added to the Bill.

SHRI AJIT KUMAR PANJA: I beg to move: "That the Bill be passed."

MR. CHAIRMAN : The question is: "That the Bill be passed."*The motion was adopted.* ---

MR. CHAIRMAN: The House stands adjourned to meet tomorrow, the 19th December, 2000 at 11.00 a.m.2050 hours

The Lok Sabha then adjourned till Eleven of the Clock on Tuesday, December 19, 2000/Agrahayana 28, 1922 (Saka).----------